IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.W.P. No.19860 of 2006
Date of Decision:27.02.2007

M/s Rinku Food Products, Amritsar and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. P.K.Mutneja, Advocate for the petitioners.

Mr. Diwan Adlakha, Advocate for Mr. H.S.Lali, Advocate for respondent No.2.

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M.M.Kumar, J.

On 14.12.2006, a Division Bench of this Court had directed the petitioners to deposit the amount due as per Small Industries Development Bank of India's Guidelines within a period of one month from that date. On 15.2.2007, when the matter came up for consideration, objection by counsel for respondent No.2 was raised that no amount in pursuance to order dated 14.12.2006 has been deposited by the petitioners which was controverted by the counsel for the petitioners by stating that the petitioners have already addressed a letter to the respondents asking them to encash a cheque of Rs.1,50,000/- which was deposited with the respondents on 21.9.2006 and we adjourned the proceedings in order to enable the petitioners to substantiate the afore-mentioned factual position and also to show as to how the amount of Rs.1,50,000/- was in accordance with SIDBI guidelines. It is appropriate to mention that there is a huge total outstanding against the petitioners and in order to test their bonafide, we asked the petitioners to deposit further amount on 26.2.2007, counsel for the petitioners sought time to seek instructions in that regard.

When the matter came up for hearing today, learned counsel for the petitioners has showed his inability to pay the afore-mentioned amount even within extended period of one to two months. Even the petitioners are

not in a position to deposit reduced amount of Rs.10 lacs and, therefore, the bonafide of the petitioners could not be established and we dismiss the petition for want of bonafide.

(M.M.KUMAR)
JUDGE

February 27, 2007 **(RAJESH BINDAL)**
renu **JUDGE**